



Richland County Council

Rules and Appointments September 20, 2016 - 4:00 PM 4th Floor Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

Call to Order

Approval of Minutes

- 1 September 13, 2016 [PAGES 4-5]

Adoption of Agenda

- 2

Interviews

- 3 Business Service Center Appeals Board – 3 (Two applicants must have a background in business; other applicant must be a CPA) [PAGES 6-7]

- a. Robert Leichtle

- 4 Community Relations Council - 3 [PAGES 8-13]

- a. Brenda Peterson

Items for Action

- 5
 - a. Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council



Richland County Council

meeting. This also include any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council. [JACKSON and MALINOWSKI] [PAGES 14-23]

Adjournment



Richland County Council



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

September 13, 2016
4:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:02

APPROVAL OF MINUTES

July 12, 2016 – Mr. Manning moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Manning moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

INTERVIEWS

- a. **Business Service Center Appeals Board – 3 (Two applicants must have a background in business; other applicant must be a CPA)** – Mr. Robert Leichtle was not able to attend the interview. The Clerk's Office will reschedule the interview. This item was held in committee.
- b. **Planning Commission – 1** – Mr. Rox W. Pollard, Jr.; Mr. Prentiss McLaurin and Ms. Margaret M. Sumpter were interviewed.

Mr. Manning moved, seconded by Mr. Malinowski, to hold this item in committee, re-advertise for the position, and to allow the interviewees' applications to remain on file for the vacancy.

- c. **Community Relations Council – 4** – Ms. Kaela Harmon was interviewed.

Mr. Manning moved, seconded by Mr. Malinowski, to recommend to Council to appoint Ms. Kaela Harmon.

Mr. Manning is to draft an attendance and/or criteria form to be completed by the Department Head or Liaison wherein an incumbent is applying for a vacancy on the board, commission or committee in which they oversee.

Committee Members Present

Bill Malinowski, Chair
Jim Manning

Others Present:

Michelle Onley
Kimberly Williams-
Roberts
Gerald Seals

ADJOURNMENT

The meeting adjourned at approximately 4:55 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

730 4123 cell

Name: Robert Leichtle

Home Address: 8 Oak Bluff Ct

Telephone: (home) 803-788-4362 (work) Retired

Office Address:

Email Address: RALIKELY@GMAIL.COM

Educational Background: BS in Accounting USC 1968

Professional Background (Must be one): CPA [X] Attorney [X] Business person [X]

Male [X] Female [] Age: 18-25 [] 26-50 [] Over 50 [X]

Name of Committee in which interested: Business Service Center Appeals Board

Reason for interest: Currently on Board, like to assist.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: (A resume is also requested.) Accounting background.

Presently serve on any County Board/Commission/Committee? Yes

Any other information you wish to give?

Recommended by Council Member(s), if any:

Hours willing to commit each month: As needed

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board? Yes No

If so, describe: _____

Robert Smith
Applicant's Signature

July 11, 2016
Date

For more information about the Business Service Center Appeals Board, please e-mail bsc@rcgov.us or call 576-2287.

Applications are current for one year.

Please return applications to:
Richland County
Clerk of Council's Office
Post Office Box 192
Columbia, SC 29202

Staff Use Only	
Date Received: <u>7-12-16</u>	Received by: <u>[Signature]</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Brenda E. Peterson

Home Address: 1901 Pennsylvania Avenue, Columbia, SC 29204

Telephone: (home) 803-998-0792 (work) 803-576-1779

Office Address: 1701 Main Street, Ste. 223, Columbia, SC 29204

Email Address: Brenda.epeterson@gmail.com

Educational Background: Institute of Paralegal Studies, Paralegal Certificate; King's College, Technical Certificate; University of Maryland, Ornamental Horticulture

Professional Background: Legal Assistant, The Honorable Jocelyn Newman, 3/2016 – Present; Paralegal Coordinator-Antitrust Group, Cohen Milstein, 9/2013-2/2015; Antitrust Practice Group Coordinator, Hogan Lovells US LLP, 10/2000 – 7/2013. For additional information, please see the attached resume.

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: I am interested in serving on this committee to serve my community and Richland County in a more defined capacity; to utilize my experience and skills to add value to the community and Richland County; and, to assist the committee obtain its objectives to improve and promote communications among business, government, and citizens.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

I am a detail-oriented professional with several years of dedicated success in legal and managerial roles, excellent communicator, project-manager, problem-solver, and organizational expert. I am able to be a leader, team player, or independent contributor, and have the ability to work with individuals from all backgrounds.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? I was born and raised in Columbia, SC. I have a devout, heartfelt interest in seeing this wonderful county and its communities continue to improve and grow.

Recommended by Council Member(s): _____

Hours willing to commit each month: I am willing to commit the number of hours required to fulfill my duties as a member of the Community Relations Committee.

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No x _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No x _____

If so, describe: _____

Brandon Peterson
Applicant's Signature

9/2/16
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>9-2-16</u>	Received by: <u><i>[Signature]</i></u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

CAREER PROFILE

A well-regarded, detail-oriented professional leveraging several years of dedicated success in legal and managerial roles. Excellent communicator, project-manager, problem-solver, and organizational expert. Demonstrated ability to revise and restructure office operations for optimal efficiency. Excels as a leader, team player, and as an independent contributor, working well under pressure to meet deadlines.

PROFESSIONAL STRENGTHS

- *Project Management and organizational skills
- *Team Building and Training
- *Excellent written and verbal communication skills
- *In-depth knowledge of marketing and public relations
- *Ability to manage time efficiently and handle multiple tasks
- *Detail-oriented with ability to perform tasks under pressure
- *Possess good negotiation and budget management skills
- *Expertise in litigation software technology and Microsoft Office applications
- *Exceptional interpersonal skills with internal colleagues and external clients

PROFESSIONAL EXPERIENCE

S. C. Judiciary Department, Columbia, SC
The Honorable Jocelyn Newman
March 2016 – Present
Legal Assistant

Responsible for coordination of and assistance with court and administrative matters; performing computerized and manual research; drafting memoranda; providing support on various databases and software; coordinating with local and co-counsels, court staff, and others; and, managing chambers.

Woodley's Garden Center, Columbia, SC
March 2015 – Present
Tropical Plants Department

Manager of Tropical Plants Department. Served as garden center expert on tropical plants by providing detailed product information to both customers and peers.

Cohen Milstein Sellers & Toll PLLC, Washington, D.C.
September 2013 – February 2015
Paralegal Coordinator, Antitrust Group

Paralegal Coordinator and Senior Paralegal for the Antitrust Practice Group. Responsible for coordination of case projects, and assistance with class action and litigation matters regarding antitrust violations. Responsible for all phases of discovery, pre-trial and trial preparation; performing computerized and manual legal and factual research; cite checking/blue book and proofreading legal briefs, memoranda and pleadings; drafting pleadings and legal memoranda; performing extensive research of potential clients and expert witnesses; providing support on various databases and litigation software; assisting with settlement and mediation conferences; and coordinating with local and co-counsels.

Brenda E. Peterson – Page 2

Hogan Lovells US LLP, Washington, D.C.

October 2000 – July 2013

Antitrust Practice Group Coordinator

Practice Group Coordinator for the Antitrust, Competition, and Economic Regulation Practice Group. Responsible for assistance with and coordination of paralegal assignments for multi-million dollar mergers, acquisitions, consumer protection, and litigation matters.

Coordinate and manage large second request, civil investigative demand, and litigation document productions. Participate in all team strategy and pre-production planning meetings. Draft and assist with identification and collection of case materials in response to government Second Request, Civil Investigative Demand and litigation requests. Coordinate and assist with the organization, scanning, processing and QC of hard-copy and electronic documents. Analyze and provide reporting information regarding hard-copy and electronic documents processing and review. Create and maintain case document logs and indices.

Provide administrative, document management, and litigation support for case matters, including preparation of exhibits, court filings, expert, trial and witness notebooks and files, scheduling and set-up for depositions and investigative hearings, war room set-up; and investigative research, for both local and on location trials. Coordinate logistics for courtroom and agency proceedings. Cite-check/blue book legal briefs, memoranda and pleadings. Review documents for responsiveness and privilege. Assist in the preparation and editing of privilege logs for production.

Assist with the preparation of Hart-Scott-Rodino (HSR) filings, including drafting and revising HSR requests memoranda, HSR forms, and routine client correspondence. Serve as the contact person for clients, and maintain all indices, files, and HSR form and memoranda templates for HSR filings. Monitor updates to agency websites; interpret, summarize and distribute update information to attorney and paralegal staff.

Participate in vendor meetings and negotiations regarding services; assist with contract review and negotiation of corporate vendor agreements keeping in line with firm policies; process and monitor payment of vendor invoices.

Create, manage, and maintain documents in eRooms and databases. Upload, perform data entry, and maintain data in various databases, including Relativity, Concordance, and Summation, for review by firm, clients, and contract personnel. Provide litigation support to attorneys, and assist with training of both firm and contract personnel on Relativity, Concordance, Concordance FYI, Summation, Applied Discovery, Clearwell, Kroll Ontrack, Cataphora, SharePoint and other litigation software and e-discovery databases. Extensive use of Microsoft Office Suite for all case matters.

Conduct research and technological investigations, and perform library and online searches, including case law, legislative, and legal searches on LexisNexis and Westlaw; work with outside and firm libraries to obtain reference materials, and data and information that may not be readily available; respond to inquiries, analyze and interpret data, and assist in categorization of evidentiary materials and information gathered from various sources. Attend and monitor hearings and provide reports regarding client, agency, and other matters.

Initiate and coordinate processes such as document distributions and ensure effective information flow. Work with various service companies and governmental agencies to ensure filing accuracy. Coordinate with government agencies and other entities regarding client matters. Participated in the development and updating of the group's document review, pull and production manual, and HSR filing manual, which streamlined processes, decreased time, and significantly cut costs.

Mentor junior paralegals in the Antitrust group and firm to empower them with the tools and information necessary for a successful career as a paralegal.

Brenda E. Peterson – Page 3

June 1999 – October 2000

Practice Group Assistant/Litigation Specialist

Firm litigation specialist and senior legal assistant for the insurance defense group with practice principally in the area of litigation, including trial and appellate practice involving general commercial, bankruptcy, and insurance coverage litigation. Responsible for all phases of discovery, pre-trial and trial preparation; perform computerized and manual legal and factual research; cite-check/blue book legal briefs, memoranda and pleadings; negotiate vendor contracts; communicate with local counsel and client; supervise legal assistant clerks and contract personnel; provide support on Summation and Concordance litigation software; assist various firm teams with litigation matters including document productions, document reviews, deposition scheduling, choosing and implementing database and imaging systems, and devising and supervising database input systems.

Hollingsworth LLP, Washington, D.C. (formerly Spriggs & Hollingsworth)

August 1996 – May 1999

Paralegal

Assist litigation partner with complex, multi-party federal and state court litigation matters with a substantive focus in the areas of product liability, environmental, and toxic tort litigation. Responsible for all phases of discovery; performing legal and factual research; drafting pleadings and legal memoranda; cite checking/blue book and proofreading legal briefs, memoranda and pleadings; performing extensive research of scientific and expert witnesses; assisting with pre-trial and trial preparation, settlement and mediation conferences; and coordinating with local counsel.

EDUCATION

University of Maryland, Institute of Applied Agriculture

College Park, Maryland

Institute for Paralegal Studies, Arlington, Texas

Kings College, Charlotte, North Carolina

Ornamental Horticulture

Paralegal Certificate

Technical Certificate

AFFILIATIONS

International Paralegal Management Association

National Federation of Paralegal Associations

Employee Performance

Grievance Procedure

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedures Act, sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

A grievance is defined as any complaint by a Regular employee that s/he has been treated unfairly, unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion.

Matters involving compensation are not proper subjects for consideration under the grievance procedure except as they may apply to alleged inequities within an agency or department of the County. Employee performance appraisal ratings may not be the subject of a grievance before the grievance committee.

If a Regular employee believes that he/she has not received or been credited with or has otherwise lost benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

Only Regular employees may appeal his/her grievance to the Richland County Grievance Committee. Employees in their initial probationary period of County employment may appeal up to the level of Department Head and no further in the process. Department Heads may appeal up to the Assistant County Administrator responsible for their area of operations.

An employee who feels that he/she has a grievance must follow the following procedure:

Discuss the grievance with his/her immediate Supervisor. If his/her Supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor will have two (2) work days to render a decision. The Supervisor has two days to review the grievance, respond to the grievance and forward to the next level of supervision in the chain of command. If a Supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee may appeal to the next level of supervision.

If the Department Head in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in their initial probationary period of County employment.

Employee Performance

An employee, other than one serving an initial probationary period, may appeal to the employee grievance committee the denial of his/her grievance by the Department Head, by filing a written request for appeal with Human Resources Department. This must be done within fourteen (14) calendar days of date that the facts on which the grievance are based become known to the employee. The written request for appeal must include the purpose of the appeal and what recommendation is requested of the grievance committee.

HUMAN RESOURCES DEPARTMENT will assist the employee in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the Chair of the Grievance Committee should schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and HUMAN RESOURCES DEPARTMENT.

The Employee Grievance Committee

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees



Employee Performance

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to re-schedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He/She will take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties will abide by his/her decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

The committee has the authority to call for files, records and papers which are pertinent to the investigation and which are subject to the control of the County Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the service of a recording secretary at its discretion. The committee has no authority to subpoena witnesses, documents or other evidence, nor will any County employee be compelled to attend any hearing. All proceedings will be tape-recorded by the Legal Department. Witnesses, other than the grieving employee and the department representative, will be sequestered when not testifying. All witnesses will testify under oath.

All hearings will be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings will be subject to the control and disposition of County Council.

Employee Performance

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing itself. The Committee may, in its discretion, request the assistance of counsel to advise the committee in dealing with any legal issues that arise in the course of considering a grievance. HUMAN RESOURCES DEPARTMENT will provide assistance in reading written materials to the committee at the request of a grieving employee.

When a grievance involves disciplinary action, the employee must receive a reasonably specific and detailed written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The department will make the first presentation.

In grievances not involving disciplinary actions, the employee must establish to the Grievance Committee that a right existed and that it was denied him/her unfairly, illegally or in violation of a County policy. The employee will make the first presentation.



In all grievances, the grieving employee and the department will each be limited to one (1) hour of initial presentation. The party required to make the first presentation will be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair will appoint someone on the committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs and other physical evidence. Presentations will be made by the grieving employee (with reading assistance from HUMAN RESOURCES DEPARTMENT, if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee. While either party may request that the Committee ask certain questions of witnesses or address parties, the Committee is not required to do so.

Employee Performance

Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator. After considering the Committee's findings and recommendations, the County Administrator will forward to the County Council both the Committee's findings and recommendations and his evaluation and recommendation. If the Council approves the findings and the recommendation of the Committee, a copy of the decision will be transmitted to the employee and to the head of the particular department involved along with notice that Council approved the decision. If, however, the Council disagrees in any respect with the findings or recommendation, the Council will make its own decision without further hearing, and that decision will be final. Copies of the Council decision will be transmitted to the employee and to the head of the particular department involved.



If the Administrator, in his/her sole discretion, believes that he/she is unable to give Council an objective recommendation and evaluation of the grievance, he/she will forward the Committee's findings and recommendations without adding his/her own evaluation and recommendation.

In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the Committee will, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the Committee will be his/her decision and a copy of the decision will be communicated by the Committee to the employee. If, however, the official rejects the decision of the Committee, the official will make his/her own decision without further hearing, and that decision will be final. A copy of the Official's decision should be communicated to the employee.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an elected or appointed official to terminate any employee when the County or respective elected or appointed official considers such action to be necessary for the good of the County.

Grievance Procedure Amendment

Grievance Procedure

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedures Act, sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

A grievance is defined as any complaint by a Regular employee that s/he has been treated unfairly, unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion.

Matters involving compensation are not proper subjects for consideration under the grievance procedure except as they may apply to alleged inequities within an agency or department of the County. Employee performance appraisal ratings may not be the subject of a grievance before the grievance committee.

If a Regular employee believes that he/she has not received or been credited with or has otherwise lost benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

Only Regular employees may appeal his/her grievance to the Richland County Grievance Committee. Employees in their initial probationary period of County employment may appeal up to the level of Department Head and no further in the process. Department Heads may appeal up to the Assistant County Administrator responsible for their area of operations.

An employee who feels that he/she has a grievance must follow the following procedure:

Discuss the grievance with his/her immediate Supervisor. If his/her Supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor will have two (2) work days to render a decision. The Supervisor has two days to review the grievance, respond to the grievance and forward to the next level of supervision in the chain of command. If a Supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee may appeal to the next level of supervision.

If the Department Head in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in their initial probationary period of County employment.

An employee, other than one serving an initial probationary period, may appeal to the employee grievance committee the denial of his/her grievance by the Department Head, by filing a written request for appeal with Human Resources Department. This must be done within fourteen (14)

calendar days of date that the facts on which the grievance are based become known to the employee. The written request for appeal must include the purpose of the appeal and what recommendation is requested of the grievance committee.

HUMAN RESOURCES DEPARTMENT will assist the employee in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the Chair of the Grievance Committee should schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and HUMAN RESOURCES DEPARTMENT.

The Employee Grievance Committee

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to reschedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He/She will take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties will abide by his/her decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

The committee has the authority to call for files, records and papers which are pertinent to the investigation and which are subject to the control of the County Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the service of a recording secretary at its discretion. The committee has no authority to subpoena witnesses, documents or other evidence, nor will any County employee be compelled to attend any hearing. All proceedings will be tape recorded ~~by the Legal Department~~. Witnesses, other than the grieving employee and the department representative, will be sequestered when not testifying. All witnesses will testify under oath.

All hearings will be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings will be subject to the control and disposition of County Council.

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing itself. The Committee may, in its discretion, request the assistance of counsel to advise the committee in dealing with any legal issues that arise in the course of considering a grievance. HUMAN RESOURCES DEPARTMENT will provide assistance in reading written materials to the committee at the request of a grieving employee.

When a grievance involves disciplinary action, the employee must receive a reasonably specific and detailed written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The department will make the first presentation.

In grievances not involving disciplinary actions, the employee must establish to the Grievance Committee that a right existed and that it was denied him/her unfairly, illegally or in violation of a County policy. The employee will make the first presentation.

In all grievances, the grieving employee and the department will each be limited to one (1) hour of initial presentation. The party required to make the first presentation will be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair will appoint someone on the committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs and other physical evidence. Presentations will be made by the grieving employee (with reading assistance from HUMAN RESOURCES DEPARTMENT, if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee. While either party

may request that the Committee ask certain questions of witnesses or address parties, the Committee is not required to do so.

Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator and to the Clerk of Council. The Clerk shall place the Grievance on the next available Council Agenda for report, which shall include the evaluation and recommendation of the County Administrator. If the County Administrator is unable to complete the necessary evaluation and recommendation prior to the Friday before the next meeting of the Council, the Administrator may request of the Council Chair that the item be deferred to a later Council meeting. It shall be the sole discretion of the Chair whether to grant the deferral, but if granted, the Chair shall notify the Council of the deferral and the expected date the Administrator's evaluation and recommendation. After considering the Committee's findings and recommendations, the County Administrator will forward to the County Council both the Committee's findings and recommendations and his evaluation and recommendation. If the Council approves the findings and the recommendation of the Committee, a copy of the decision will be transmitted to the employee and to the head of the particular department involved along with notice that Council approved the decision. If, however, the Council disagrees in any respect with the findings or recommendation, the Council will make its own decision without further hearing, and that decision will be final. Copies of the Council decision will be transmitted to the employee and to the head of the particular department involved.

If the Administrator, in his/her sole discretion, believes that he/she is unable to give Council an objective recommendation and evaluation of the grievance, he/she will forward the Committee's findings and recommendations without adding his/her own evaluation and recommendation.

In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the Committee will, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the Committee will be his/her decision and a copy of the decision will be communicated by the Committee to the employee. If, however, the official rejects the decision of the Committee, the official will make his/her own decision without further hearing, and that decision will be final. A copy of the Official's decision should be communicated to the employee.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an elected or appointed official to terminate any employee when the County or respective elected or appointed official considers such action to be necessary for the good of the County.

Except as provided below, within (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator and to the Clerk of Council. The Clerk shall place the Grievance on the next available Council Agenda for report, which shall include the evaluation and recommendation of the County Administrator. If the County Administrator is unable to complete the necessary evaluation and recommendation prior to the Friday before the next meeting of the Council, the Administrator may request of the Council Chair that the item be deferred to a later Council meeting. It shall be the sole discretion of the Chair whether to grant the deferral, but if granted, the Chair shall notify the Council of the deferral and the expected date the Administrator's evaluation and recommendation.